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STATE FOR EB/TPP/IPE, INL, WHA/CAR
JUSTICE FOR OPDAT R LIPMAN

E.O. 12958: N/A

TAGS: [ETRD](#) [KIPR](#) [KCRM](#) [TD](#)

SUBJECT: DVD PIRACY DEBATE CONTINUES

REF: (A) 07 Port of Spain 320, (B) 08 Port of Spain 060

11. SUMMARY: The Trinidad and Tobago Copyrights Collective Organization (TTCO) announced on February 14 its intention to issue "mechanical licenses" to the estimated 5,000 vendors selling pirated DVDs. According to the GOTT Intellectual Property Office, TTCO does not have agreements with the DVD copyright holders and has no authority to issue licenses. TTCO's announcement came days before the Senate unanimously passed the Copyright Amendment Bill, which, if approved by the House of Representatives, will strengthen legal enforcement mechanisms. END SUMMARY.

12. The Trinidad and Tobago Copyrights Collective Organization (TTCO) announced on February 14 its intention to issue mechanical licenses to the estimated 5,000 vendors selling pirated DVDs in Trinidad and Tobago. TTCO, along with the Trinidad and Tobago Association for Media Entertainment (TTAME), an organization that represents DVD vendors, asserted the licensing would legalize the DVD trade and eliminate piracy. It was estimated licensing would increase local DVD prices from TT\$10 (US\$1.60) to TT\$60 (US\$10). [NOTE: Legitimate DVDs sell for TT\$150 (US\$16) to TT\$225 (US\$37.50) in Trinidad.] At its press briefing, TTCO said it had so far sold 50 vendor licenses.

13. Representatives from the GOTT Intellectual Property Office (IPO, part of the Legal Affairs Ministry) and the Police Service met privately with the TTCO leadership after the announcement. Tene Reece, IPO Deputy Controller, told EconOff that the GOTT made it clear to TTCO that the group did not have authority to issue licenses since it lacked agreements with copyright holders to manufacture, distribute, and market films. At the conclusion of the meeting, the organization's attorney acknowledged there was no legal basis for TTCO's licensing drive. Reece believes that TTCO has since stopped selling licenses. [NOTE: Carihome Holdings Limited subsequently announced it holds exclusive rights in T&T to distribute movies owned by 14 film studios, including Walt Disney, 20th Century Fox, Universal, and Paramount. Carihome plans to develop a distribution network here for legal DVD sales starting later this month.]

14. TTCO's licensing drive came on the heels of a nationwide piracy crackdown and just days before the Copyright Amendment Bill was reintroduced in the Senate. The Copyright Amendment Bill stiffens sentences for individuals who engage in piracy for profit to 10 years and allows for fines of up to TT\$250,000 (US\$41,600). Although the Bill was unanimously passed by the Senate, the debate over its merits raised concerns among street vendors and their supporters.

15. In speaking against the bill, DVD vendors argued they are just trying to make a living, not committing a serious criminal offense. Some Senate members agreed, with Opposition legislator Jennifer Jones-Kernahan calling the proposed bill "draconian" and stating that "the man on the street trying to make a living is not our enemy." With crime on the rise, some public commentary also

criticized recent crackdowns as distracting police from going after "real criminals." Minister of Legal Affairs Peter Taylor, though, pushed back during the Senate debate, saying that "if on the one hand we are talking about reducing crime ...you cannot be sending mixed messages by decrying the police and law enforcement agencies when they crack down on these pirates by saying you are depriving someone of a job." He also noted that piracy is often directly linked to the drug trade and even organized crime. While the debate will continue when the House considers the Copyright Amendment Bill later this month, it is unlikely social welfare concerns will derail the legislation's final passage.

AUSTIN